

S.B. 624	S.B. 409	S.B. 1242
S.B. 627	S.B. 428	S.B. 1314
S.B. 643	S.B. 483	S.B. 1321
S.B. 657	S.B. 488	S.B. 1334
S.B. 662	S.B. 516	S.B. 1371
S.B. 710	S.B. 549	

SEVENTY-SEVENTH DAY

(Continued)

(Sunday, May 29, 1983)

AFTER RECESS

The Senate met at 9:00 o'clock a.m. and was called to order by Senator Blake.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Blake in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar.

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended on the bills and resolutions on the Local and Uncontested Bills Calendar so they could be considered on second reading in the order they are listed on the Calendar.

After suspending the regular order by unanimous consent, the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Sponsor, vote on Constitutional Three-Day Rule and final passage indicated after caption of each bill)

S.B. 724 (Parker) Relating to information required to be posted in the places of business of certain licensed occupations. (30-1) Washington "Nay" (31-0)

S.B. 1437 (Sims) Relating to selection of jurors for the municipal court of record in Midland. (30-1) Washington "Nay" (31-0)

S.R. 615 (Sims) Memorialize the United States Congress not to repeal or amend the Economic Recovery Tax Act of 1981. (vv) Sharp, Mauzy and Parker "Nay"

S.R. 672 (Parker) Resolving that the Finance Committee of the Senate monitor changes in federal recreation programs. (vv)

S.C.R. 133 (McFarland) Granting DiscoverAir permission to sue the State of Texas. (vv)

S.C.R. 136 (Mauzy) Granting Thelma McCall permission to sue the State of Texas. (vv)

H.B. 210 (Edwards) Relating to the designation and service of certain public school officials as deputy voter registrars. (30-1) Washington "Nay" (31-0)

H.B. 310 (Leedom) Relating to expenditure of the proceeds from airport revenue bonds by certain cities. (30-1) Washington "Nay" (31-0)

H.B. 326 (Montford) Relating to the form in which certain government records may be kept. (30-1) Washington "Nay" (31-0)

C.S.H.B. 337 (Brooks) Relating to the assignment of judges by the presiding judges of administrative judicial districts. (30-1) Washington "Nay" (31-0)

H.B. 340 (Edwards) Relating to disqualification for benefits under the Texas Unemployment Compensation Act. (30-1) Washington "Nay" (31-0)

H.B. 350 (Edwards) Relating to the placement of signs outside of the entrance of a polling place. (30-1) Washington "Nay" (31-0)

Senator Edwards offered the following committee amendment to the bill:

Amend **H.B. 350**, Section 1, subsection (b) by removing the words "rule of the secretary of state" and placing in lieu thereof "the Texas Election Code".

The committee amendment was read and was adopted.

On motion of Senator Edwards and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 358 (Parmer) Relating to child abuse investigations. (30-1) Washington "Nay" (31-0)

H.B. 385 (Glasgow) Relating to the compensation of presiding judges of certain administrative judicial districts. (30-1) Washington "Nay" (31-0)

H.B. 401 (Caperton) Relating to the amount of per diem to which a member of the State board or commission is entitled. (30-1) Washington "Nay" (31-0)

Senator Caperton offered the following committee amendment to the bill:
Committee Amendment No. 1

Amend **H.B. 401** by striking Section 1 in its entirety and substituting the following in lieu thereof:

SECTION 1. Section 2, Chapter 428, Acts of the 67th Legislature, Regular Session, 1981 (Article 6813f, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2. AMOUNT OF PER DIEM. A [If a] member of a state board or commission is entitled [by law] to per diem relating to the member's service on the board or commission. [;] The [the] amount of the per diem is the amount prescribed by the General Appropriations Act.

The committee amendment was read and was adopted.

On motion of Senator Caperton and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 411 (Farabee) Relating to funds received under the court order from a probationer for compensation to victims of crime. (30-1) Washington "Nay" (31-0)

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 411** as follows:

- (1) On page 3, line 15, strike "last" and substitute "first".
- (2) On page 3, line 16, strike "was" and substitute "after full restitution has been".

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 570 (Brooks) Relating to a continuing education requirement for a county treasurer. (30-1) Washington "Nay" (31-0)

H.B. 645 (Brown) Relating to the consolidation of property tax assessing and collecting. (30-1) Washington "Nay" (31-0)

H.B. 657 (Harris) Relating to the appointment of substitute municipal judges. (30-1) Washington "Nay" (31-0)

H.B. 697 (Howard) Relating to the application of the Professional Prosecutors Act to the Criminal District Attorney of Cass County. (30-1) Washington "Nay" (31-0)

H.B. 725 (Truan) Relating to certain defenses to charges of failure to maintain financial responsibility. (30-1) Washington "Nay" (31-0)

H.B. 726 (Montford) Relating to the compensation of the Judge of 118th Judicial District. (30-1) Washington "Nay" (31-0)

H.B. 742 (Montford) Relating to reports by the division heads of the Department of Public Safety. (30-1) Washington "Nay" (31-0)

H.B. 755 (Lyon) Relating to the authority of counties to contract for the destruction of certain evidences of indebtedness issued and paid by the counties. (30-1) Washington "Nay" (31-0)

C.S.H.B. 773 (Henderson) Relating to authorizing the Commissioners Court of Harris County to make certain changes in the County Road Law. (30-1) Washington "Nay" (31-0)

H.B. 777 (Montford) Relating to the composition of a county hospital's board of managers. (30-1) Washington "Nay" (31-0)

H.B. 790 (Montford) Relating to the disposition of certain court costs collected in criminal cases. (30-1) Washington "Nay" (31-0)

H.B. 804 (Whitmire) Relating to county and precinct officials and employees who are paid wholly from county funds. (30-1) Washington "Nay" (31-0)

H.B. 812 (Traeger) Relating to credit in the Employees Retirement System of Texas. (30-1) Washington "Nay" (31-0)

H.B. 845 (Leedom) Relating to the property tax exemption of certain organizations. (30-1) Washington "Nay" (31-0)

H.B. 855 (Farabee) Relating to the discretion of the court to allow certain persons to serve sentences during off-work hours or on weekends. (30-1) Washington "Nay" (31-0)

H.B. 859 (Caperton) Relating to a requirement that a law enforcement agency that transfers a defendant to the custody of the Texas Department of Corrections provide a written description of the offense. (30-1) Washington "Nay" (31-0)

C.S.H.B. 888 (McFarland) Relating to a court's continuing jurisdiction over a prisoner. (30-1) Washington "Nay" (31-0)

H.B. 908 (Doggett) Relating to the identification of county-owned motor vehicles and heavy equipment. (30-1) Washington "Nay" (31-0)

H.B. 949 (Uribe) Relating to the powers of the Board of Trustees of Pan American University. (30-1) Washington "Nay" (31-0)

H.B. 1007 (Farabee) Relating to railroad crossing safety information. (30-1) Washington "Nay" (31-0)

H.B. 1018 (Howard) Relating to the authority of rural fire prevention districts to issue bonds, notes and bond anticipation notes. (30-1) Washington "Nay" (31-0)

Senator Howard offered the following committee amendment to the bill:

Amend **H.B. 1018**, on page 1, line 24, by inserting between the comma and “the” the following:

and on approval by a majority vote of the commissioners court of each county in which all or part of the district is located.

The committee amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1080 (Caperton) Relating to the transfer of records in connection with a change of venue of certain probate proceedings. (30-1) Washington “Nay” (31-0)

H.B. 1106 (Caperton) Relating to the expenses of the official court reporter for the 155th Judicial District. (30-1) Washington “Nay” (31-0)

H.B. 1108 (Lyon) Relating to the vacation time for jail personnel of certain county jails. (30-1) Washington “Nay” (31-0)

H.B. 1119 (Farabee) Relating to the jurisdiction of the Supreme Court and the Courts of Appeals in certain civil cases. (30-1) Washington “Nay” (31-0)

H.B. 1183 (Howard) Relating to the jurisdiction of the County Court of Cass County. (30-1) Washington “Nay” (31-0)

H.B. 1189 (Edwards) Relating to certain evidences of debt issued by an incorporated city in connection with acquisition of a waterworks system. (29-2) Mauzy, Washington “Nay” (30-1) Mauzy “Nay”

H.B. 1216 (Traeger) Relating to the designation of emergency interim successors of unavailable legislators in the event of enemy attack. (27-4) Doggett, Mauzy, Sharp, Washington “Nay” (28-3) Doggett, Mauzy, Sharp “Nay”

H.B. 1263 (Santiesteban) Relating to the powers and status of the tribal councils and tribal business of the Alabama-Coushatta and the Tigua Indian Tribes. (30-1) Washington “Nay” (31-0)

H.B. 1269 (Sharp) Relating to maximum population for the county election precinct in which voting machines or electronic voting systems are used. (29-2) Brown, Washington “Nay” (30-1) Brown “Nay”

Senator Sharp offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 1269** by striking the number “700,000” in Subdiv. 2 of Section 1 and placing in lieu thereof the number “175,000”

The committee amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1273 (Caperton) Relating to substantive revision of the law governing licensing of drivers. (30-1) Washington “Nay” (31-0)

H.B. 1282 (Sims) Relating to the split payment of and the granting of discounts for the early payment of property taxes. (30-1) Washington “Nay” (31-0)

Senator Sims offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend H.B. 1282 as follows:

(1) Strike the current Section 2 and substitute a new Section 2 to read as follows:

SECTION 2. Section 31.05(a), Tax Code, as amended by H.B. No. 426, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

(a) The governing body of a taxing unit that collects its own taxes may adopt the discounts provided by Subsection (b) or Subsection (c) of this section, or both, in the manner required by law for official action by the body. The discounts, if adopted, apply to taxes for a taxing unit ~~[all units]~~ for which the adopting taxing unit collects taxes if the governing body of the other unit, in the manner required by law for official action by the body, adopts the discounts or approves of their application to its taxes by the collecting unit. If a [the] taxing unit adopts both discounts under Subsections (b) and (c) of this section, the discounts adopted under Subsection (b) apply unless the unit mails its tax bills after September 30, in which case only the discounts under Subsection (c) apply.

(2) Insert a new Section 3 to read as follows:

SECTION 3. Section 31.05(d), Tax Code, as amended by H.B. No. 426, Acts of the 68th Legislature, Regular Session, 1983, is repealed.

(3) Renumber the current Sections 3, 4, and 5 as Sections 4, 5, and 6.

The committee amendment was read and was adopted.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1310 (Glasgow) Relating to judicial review of certain orders issued by the Alcoholic Beverage Commission. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1344 (Parker) Relating to jurisdiction over and regulation of certain entities by the State Board of Insurance. (30-1) Washington "Nay" (31-0)

H.B. 1370 (Brooks) Relating to the filing and docketing of certain suits for adoption. (30-1) Washington "Nay" (31-0)

H.B. 1401 (Henderson) Relating to a refund made to an employer for unemployment compensation benefits paid to a disqualified employee. (30-1) Washington "Nay" (31-0)

Senator Henderson offered the following amendment to the bill:

Amend H.B. 1401, SECTION 2, as follows:

(1) Strike "~~plus one-half (1/2) of the amount of the extended benefits]~~" and substitute "plus one-half (1/2) of the amount of the extended benefits".

(2) Strike "claim" and substitute "initial claim".

The amendment was read and was adopted.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1415 (Kothmann) Authorizing the Board of Regents of The University of Texas System to waive its reversionary interest in Mahncke Park and Brackenridge Park Golf Course. (30-1) Washington "Nay" (31-0)

H.B. 1420 (Montford) Relating to proceedings on offenses regarding certificates of title to motor vehicles. (30-1) Washington "Nay" (31-0)

H.B. 1421 (Sims) Relating to deposit in financial institutions of certain money received by the county tax collector. (30-1) Washington "Nay" (31-0)

Senator Sims offered the following committee amendment to the bill:

Amend **H.B. 1421**, by adding Section 3 to read as follows and renumber Section 3 as Section 4:

SECTION 4. All monies collected by the County Tax Collector shall be remitted to the Department within one hundred-twenty (120) days of the receipt of such monies. of such monies.

The committee amendment was read and was adopted.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1454 (Farabee) Relating to procedures under the Administrative Procedure and Texas Register Act. (30-1) Washington "Nay" (31-0)

H.B. 1460 (Brown) Relating to the authority of the commissioners court to set court costs in certain cases. (30-1) Washington "Nay" (31-0)

H.B. 1481 (Doggett) Relating to the expenditure by certain counties of public or private grant or aid money. (30-1) Washington "Nay" (31-0)

H.B. 1519 (Caperton) Relating to the student center complex fees at institutions within The Texas A&M University System. (30-1) Washington "Nay" (31-0)

H.B. 1562 (Harris) Relating to nonpartisan elections in home rule cities. (30-1) Washington "Nay" (31-0)

H.B. 1625 (Farabee) Relating to appointment of masters in delinquent tax suits. (30-1) Washington "Nay" (31-0)

H.B. 1651 (Whitmire) Relating to transactions in certain counties involving business machines. (30-1) Washington "Nay" (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Amend **H.B. 1651** by deleting Section 15 in its entirety and renumbering Section 16 as Section 15.

The committee amendment was read and was adopted.

On motion of Senator Whitmire and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1669 (Blake) Relating to the jurisdiction of the 9th, the Second 9th and the 258th District Courts in Polk County. (30-1) Washington "Nay" (31-0)

H.B. 1679 (Traeger) Relating to contributions to and disbursements from firemen's relief and retirement funds in certain cities. (30-1) Washington "Nay" (31-0)

H.B. 1699 (Traeger) Relating to written investment objectives and performance evaluations concerning the investment of certain State funds. (30-1) Washington "Nay" (31-0)

H.B. 1702 (Traeger) Relating to the composition and meetings of the Board of Trustees of the Teacher Retirement System of Texas. (30-1) Washington "Nay" (31-0)

H.B. 1712 (Farabee) Relating to the reporting of certain traffic accidents. (30-1) Washington "Nay" (31-0)

H.B. 1726 (Whitmire) Relating to rights of the elderly. (30-1) Washington "Nay" (31-0)

C.S.H.B. 1733 (Brooks) Relating to the orders and duties of the county fire marshal. (30-1) Washington "Nay" (31-0)

Senator Parmer offered the following substitute for the bill:

Amend **H.B. 1733** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 7, Chapter 323, Acts of the 52nd Legislature, 1951 (Article 1606c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. (a) He shall have the authority to enter and examine any and all buildings or structures [~~where a fire has occurred,~~] in the performance of his duties of office, day or night, and examine any adjacent buildings or premises, but this authority shall be exercised with reason and discretion and with a minimum burden upon the persons living in said buildings.

(b) It shall be his duty when called upon, or when he has reason to believe that it is in the interest of safety and fire-prevention, to enter any premises and inspect the same, and if he finds that because of inflammable substance being present, dangerous or dilapidated walls, ceilings or other parts of the structure existing, improper lighting, heating or other facilities being used that endanger life, health or safety, or if because of chimneys, wiring, flues, pipes, mains or stoves, or any substance he shall find stored in any building, he believes that the safety of said building or that of its occupants is endangered and that it will likely promote or cause fire or combustion, he shall be empowered to order the said situation rectified forthwith and the owner or occupant of the said structure shall comply with the orders of the said County Fire Marshal.

(c) An owner or occupant commits an offense if he intentionally or knowingly refuses to comply within 90 days, except when life-threatening conditions exist, with an order of the County Fire Marshal directing the owner or occupant to rectify conditions existing in and about a building, structure, or premise found to be unsafe or dangerous to life, health, or safety under this section. An offense under this subsection is a Class B misdemeanor. [~~or shall be adjudged guilty of contempt of said order and of a Class B misdemeanor, and each recurring refusal to so rectify such conditions shall be deemed as a separate offense and violation of such order.~~]

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1750 (Lyon) Relating to the minimum salary for a fireman, policeman or member of a sheriff's department. (30-1) Washington "Nay" (31-0)

H.B. 1863 (Parmer) Relating to the coverage of certain persons under the State employee insurance plan. (30-1) Washington "Nay" (31-0)

H.B. 1867 (Montford) Relating to the registration of a securities dealer, agent or salesman. (30-1) Washington "Nay" (31-0)

H.B. 1875 (Kothmann) Relating to a report of the seizure of illicit beverages. (30-1) Washington "Nay" (31-0)

H.B. 1876 (Kothmann) Relating to filing the annual report of the Texas Alcoholic Beverage Commission. (30-1) Washington “Nay” (31-0)

H.B. 1877 (Harris) Relating to the contents of a wine and beer retailer’s permit and a retail dealer’s on-premise license. (30-1) Washington “Nay” (31-0)

Senator Blake offered the following substitute for the bill:

Amend **H.B. 1877** by striking all below the enacting clause and substituting in lieu thereof:

SECTION 1. Section 25.08, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.08. ~~[PERMIT] CONTENTS OF PERMIT~~~~[-PHOTOGRAPH]~~. Each wine and beer retailer’s permit shall contain the name ~~[and photograph]~~ of the individual natural person holding the permit or, if the holder is not an individual natural person, the name ~~[and photograph]~~ of the individual partner, officer, trustee, or receiver who is primarily responsible for the management of the premises. ~~[The photograph may not be more than two years old and shall be furnished by the permittee. The commission may prescribe the size and nature of the photograph, the manner of furnishing it, and the method of affixing it to the permit.]~~

SECTION 2. Section 69.08, Alcoholic Beverage Code, is amended to read as follows:

Sec. 69.08. ~~[LICENSE:]~~ CONTENTS OF LICENSE~~[-PHOTOGRAPH]~~. Each retail dealer’s on premise license shall contain the name ~~[and photograph]~~ of the individual natural person holding the license or, if the holder is not an individual natural person, the name ~~[and photograph]~~ of the individual partner, officer, trustee, or receiver who is primarily responsible for the management of the premises. ~~[The photograph may not be more than two years old and shall be furnished by the licensee. The commission may prescribe the size and nature of the photograph, the manner of furnishing it and the method of affixing it to the license.]~~

SECTION 3. Section 5.49, Alcoholic Beverage Code, is amended to read as follows:

Sec. 5.49. PRINTED COPIES OF CODE AND RULES. The Commission from time to time may have as many copies of this code and any commission rule governing the collection or refund of the gross receipts tax printed in pamphlet form for distribution as it finds necessary.

SECTION 4. Section 202.03, Alcoholic Beverage Code, is amended to read as follows:

Sec. 202.03. TAX RETURN: DUE DATE. (a) Each permittee shall file a sworn tax return with the commission on or before the 15th day of every month.

(b) The return shall be in a form prescribed by the commission or administrator and shall include a statement of the total gross taxable receipts during the preceding month and any other information required by the commission or administrator. The form may not request more detailed information from a permittee than is ordinarily readily available from a typical permittee’s daily sales records.

(c) Tax due for a business day which falls in two different months is allocated to the month during which the business day begins.

SECTION 5. Chapter 202, Alcoholic Beverage Code, is amended by adding a new Section 202.15 and a new Section 202.16 to read as follows:

Sec. 202.15. EXCESS TAX. A permittee is entitled to a refund or tax credit on future tax payment for any excess tax on gross receipts paid through oversight, mistake, error, or miscalculation.

Sec. 202.16. TAX CREDITS AND REFUNDS. The commission shall provide by rule for the equitable and final disposition of tax refunds or credits when gross receipts tax is overpaid or paid by mistake. It shall prescribe the time and manner for filing claims for credits and refunds and provide appropriate forms. The statute of limitations for refunds under Sec. 202.15 shall be four years.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The substitute was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1889 (Traeger) Relating to the sale of beer by certain general local or branch distributors. (30-1) Washington "Nay" (31-0)

H.B. 1925 (Whitmire) Relating to the authority of certain cities to provide automobile liability insurance for peace officers and fire fighters. (30-1) Washington "Nay" (31-0)

H.B. 1969 (McFarland) Relating to investment securities. (30-1) Washington "Nay" (31-0)

H.B. 1971 (Henderson) Relating to the disposition of certain hospital authority records. (30-1) Washington "Nay" (31-0)

H.B. 1980 (Edwards) Relating to the definition of a motor vehicle. (30-1) Washington "Nay" (31-0)

H.B. 1985 (Sharp) Relating to the establishment of the Texas Planning Council for Developmental Disabilities. (30-1) Washington "Nay" (31-0)

Senator Sharp offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 1985** on page 3, line 21, by striking "School" and substituting "Commission".

The committee amendment was read and was adopted.

Senator Sharp offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 1985** on page 3, line 10 in Section 112.012(b) by striking "an" and substituting "a voting".

The committee amendment was read and was adopted.

Senator Sharp offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend the House Committee Substitute to **H.B. 1985** on page 5 after line 27 by adding subsection (d) to Section 112.016 as follows:

(d) The Council shall meet quarterly in regular session and on call by the Chairman when necessary for the transaction of Council business.

The committee amendment was read and was adopted.

On motion of Senator Sharp and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 1999 (Farabee) Relating to medical examiners. (30-1) Washington “Nay” (31-0)

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 1999** Section 1, Sec. 2.06, by adding at the end of the first sentence the following language:

“If the General Appropriations Act does not prescribe the amount of the per diem, then per diem shall consist of actual expenses for meals, lodging, and transportation plus one hundred dollars.”

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 2013 (Blake) Relating to the creation of the constitutional office of Criminal District Attorney of Tyler County, and supplemental compensation of the District Attorney of the 88th Judicial District. (30-1) Washington “Nay” (31-0)

H.B. 2058 (McFarland) Relating to court-ordered commitment of a drug-dependent person. (30-1) Washington “Nay” (31-0)

H.B. 2066 (Glasgow) Relating to airport zoning regulations. (30-1) Washington “Nay” (31-0)

Senator Glasgow offered the following committee amendment to the bill:

Strike all below the enacting clause in House Bill 2066 by Cain and substitute in lieu thereof the following:

“SECTION 1. Section 1, subsections (2) and (10) of the Airport Zoning Act, as amended (Article 46e-1(2) and -1(10) Vernon’s Texas Civil Statutes), are amended to read as follows:

“(2) ‘Airport Hazard’ means any structure or tree [~~or use of land~~] which obstructs the air space required for the take-off, landing and flight of aircraft [~~or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of flight craft, hazardous, interfering with or obstructing such landing, taking off or flight of aircraft or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles~~] or which interferes with visual, radar, radio, or other systems for tracking, data acquisition, monitoring, or control of aircraft.

“(10) ‘Compatible land use’ [~~includes any use of land adjacent to an airport that will protect the owners, occupants, or users of the land from levels of noise or vibrations created by the operations of the airport, including the taking off and landing of aircraft, that may endanger the health, safety, or welfare of the owners, occupants, or users of the land, and protect airport users from airport hazards~~] means a use of land adjacent to an airport that does not endanger the health, safety, or welfare of the owners, occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operations of the airport, including the taking off and landing of aircraft.

“SECTION 2. Section 3, subsections (2) and (3) of the Airport Zoning Act, as amended (Article 46e-3(2) and -3(3), Vernon’s Texas Civil Statutes) are amended to read as follows:

“(2) Where an airport is utilized in the interest of the public to the benefit of a political subdivision or where an airport owned or operated by a defense agency

of the federal government or the State of Texas is located within the territorial limits of a political subdivision and any airport hazard area or controlled compatible land use area appertaining to such airport is located outside the territorial limits of said political subdivision, the political subdivision gaining the benefits of the airport's utilization in the public interest or the political subdivision within whose territorial limits the airport owned or operated by a defense agency of the federal government of the State of Texas is situated and the political subdivision within which the airport hazard area or controlled compatible land use area is located may create, by ordinance or resolution duly adopted, a joint airport zoning board, which board shall have the same power as that vested by subsection (1) or (3), as applicable, to adopt, administer, and enforce airport hazard and compatible land use zoning regulations applicable to the airport hazard areas and controlled compatible land use areas in question [as that vested by subsection (1) in the political subdivision within which such area is located]. Each such joint board shall have as members two (2) representatives appointed by each political subdivision participating in its creation and in addition a chairman elected by a majority of the members so appointed. Where an agency of the State of Texas owns and operates under authority of law an airport located within the airport hazard area or controlled compatible land use area governed by a joint zoning board, such agency shall be entitled to have two (2) representatives on such joint zoning board.

"Provided, however, where an airport is utilized in the interest of the public to the benefit of any political subdivision having more than 50,000 [25,000] inhabitants, according to the last preceding Federal Census, and such airport is located within the territorial limits of such political subdivision and any airport hazard or controlled compatible land use area appertaining to such airport is located outside of the territorial limits of said political subdivision receiving the benefits of the airport's utilization, the political subdivision shall have the same power to adopt, administer, and enforce airport hazard and compatible land use zoning regulations applicable to the airport hazard or controlled compatible land use area in question as that vested by subsections (1) and (3) in the political subdivision within which such area is located. Each hazard or compatible land use zoning regulation shall include a statement that the airport fulfills an essential community purpose.

"(3) In this [subsection] Act, 'centerline' means a line extending through the midpoint of each end of a runway; 'primary runway' means existing or planned paved runway(s), as shown in the official Airport Layout Plan (ALP), of at least [4,000] 3,200 feet on which a majority of the approaches to and departures from the airport occur; 'instrument runway' means existing or planned runways(s) of at least [4,000] 3,200 feet for which there is or is planned to be an instrument landing procedure published by a defense agency of the federal government or by the Federal Aviation Administration; and 'controlled area' or 'controlled compatible land use area' means that land located outside airport boundaries and within a rectangle bounded by lines located no farther than one and one-half (1.5) statute miles from the centerline of an instrument or primary runway and lines located no farther than five (5) statute miles from each end of the paved surface of an instrument or primary runway.

"When an airport is utilized in the interest of the public to the benefit of a political subdivision or when an airport owned or operated by a defense agency of the federal government or by the State of Texas is located within the territorial limits of a political subdivision, [~~and whether the controlled area is located within or outside the territorial limits of the political subdivision;~~] the political subdivision may adopt, administer, and enforce under the police power using the procedures and subject to the conditions prescribed in this Act, airport compatible land use zoning regulations for the portion of the controlled area located within that political subdivision. [~~for the purpose of restricting the controlled areas to compatible land~~

use, exercise the powers prescribed by subsections (1) and (2) of this section.] The political subdivision may also by ordinance or resolution implement federal laws or rules controlling the use of land located adjacent to or in the immediate vicinity of the airport in connection with compatible land use restrictions. The establishment and enforcement of compatible land use restrictions in the controlled area shall be accomplished in the same manner as prescribed in this Act for airport hazard zoning. Each compatible land use regulation shall include a statement that the airport fulfills an essential community purpose.

“SECTION 3. Section 5 of the Airport Zoning Act, as amended (Article 46e-5, Vernon’s Texas Civil Statutes) is amended to read as follows:

“(2) Prior to the initial zoning of any airport hazard or compatible land use area under this Act or the amendment of an existing airport zoning regulation, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the Airport Zoning Commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and the legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. Where a city plan commission or comprehensive zoning commission already exists, it may be appointed as the airport zoning commission. At least fifteen (15) days notice of the hearing shall be published in an official paper or a paper of general circulation, in the political subdivision or subdivisions in which is located the airport hazard or compatible land use area to be zoned.

“SECTION 4. Section 6, subsection (2) of the Airport Zoning Act, as amended (Article 46e-6(2), Vernon’s Texas Civil Statutes) is amended to read as follows:

“(2) Non-conforming Uses and Structures. No airport zoning regulations adopted under this Act shall require changes in land use or the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations when adopted or amended, or otherwise interfere with the continuance of any non-conforming use, except as provided in Section 7(3). For purposes of this subsection, permitted non-conforming structures include all phases or elements of a multi-phase structure, whether or not actual construction has commenced, which had received a determination of no hazard by the Federal Aviation Administration under Part 77 of the Federal Aviation Regulation (14 Code of Federal Regulations, Part 77) before the airport zoning regulations were adopted or amended under this Act.

“SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.”

The committee amendment was read and was adopted.

On motion of Senator Glasgow and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 2067 (Glasgow) Relating to airport zoning regulations. (30-1) Washington “Nay” (31-0)

H.B. 2068 (Lyon) Relating to certain facilities of certain cities. (30-1) Washington “Nay” (31-0)

Senator Lyon offered the following committee amendment to the bill:

Amend **H.B. 2068** on pages 1 and 2 by striking Subsection (a) of the amended Section 6 and by substituting the following:

(a) The city may pledge all or any part of the revenues, income, or receipts from such fees, rentals, rates, and charges to the payment of the bonds, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds. The pledged fees, rentals, rates, and charges, shall be fixed and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for all payments of principal, interest, and any other amounts required in connection with the bonds, and, to the extent required by the ordinance authorizing the issuance of the bonds, to provide for the payment of expenses in connection with the bonds, and for the payment of operation, maintenance, and other expenses in connection with the facilities authorized under this Act.

The committee amendment was read and was adopted.

On motion of Senator Lyon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 2081 (Farabee) Relating to promptness of payment of Workers' Compensation benefits. (30-1) Washington "Nay" (31-0)

H.B. 2092 (Doggett) Relating to the sale of urban renewal land by a city or urban renewal agency. (30-1) Washington "Nay" (31-0)

H.B. 2126 (Sims) Relating to establishment of a juvenile board in Ward County. (30-1) Washington "Nay" (31-0)

H.B. 2153 (Henderson) Relating to issuance of warrants or notes by certain cities and towns. (30-1) Washington "Nay" (31-0).

H.B. 2157 (Truan) Relating to reduced motor vehicle registration fees for certain vehicles. (30-1) Washington "Nay" (31-0)

H.B. 2174 (Doggett) Relating to the participation of certain college and university employees in health maintenance organizations. (30-1) Washington "Nay" (31-0)

Senator Doggett offered the following committee amendment to the bill:
Amendment No. 1

Amend **H.B. 2174** on page 1, line 9 of the House Engrossed Bill by striking the word "shall" and substituting the word "may" in lieu thereof.

The committee amendment was read.

On motion of Senator Doggett and by unanimous consent, the committee amendment was tabled.

Senator Blake offered the following amendment to the bill:

Amend **H.B. 2174** by inserting the following after the word "qualified" on page 1, line 33:

"upon proper application to the institution"
and by inserting the following after the word "Texas" on page 1, line 22:
" , if available, "

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

- H.B. 2181** (Lyon) Relating to the creation of the legal excellence fund in the State Treasury. (29-2) Washington, Howard “Nay” (30-1) Howard “Nay”
- H.B. 2188** (Traeger) Relating to supplemental compensation for the District Attorney of the 293rd Judicial District. (30-1) Washington “Nay” (31-0)
- H.B. 2189** (Traeger) Relating to the composition of the Fourth and Sixth Administrative Judicial Districts. (30-1) Washington “Nay” (31-0)
- H.B. 2196** (Parker) Relating to State employees health fitness programs. (29-2) Washington, Howard “Nay” (30-1) Howard “Nay”
- C.S.H.B. 2227** (Brown) Relating to the authority of any general-law city, town or village to annex up to 5,280 feet Gulfward of the coastline. (30-1) Washington “Nay” (31-0)
- H.B. 2244** (Caperton) Relating to the assignment of justices and judges to the Court of Appeals. (30-1) Washington “Nay” (31-0)
- H.B. 2258** (Glasgow) Relating to recovery of actual costs and attorney’s fees by the Attorney General in a charitable trust suit. (30-1) Washington “Nay” (31-0)
- C.S.H.B. 2276** (Sims) Relating to the right of the State to appropriate water. (30-1) Washington “Nay” (31-0)
- H.B. 2289** (Doggett) Relating to pilot programs for post secondary-level students with learning disabilities. (30-1) Washington “Nay” (31-0)
- H.B. 2294** (Montford) Relating to the terms and jurisdiction of County Courts at Law Nos. 1 and 2 of Lubbock County. (30-1) Washington “Nay” (31-0)
- H.B. 2295** (Edwards) Relating to the composition of the Henderson County Juvenile Board. (30-1) Washington “Nay” (31-0)
- H.B. 2299** (Brooks) Relating to creation of the Dickinson Bayou Watershed Drainage District. (30-1) Washington “Nay” (31-0)
- H.B. 2322** (Howard) Relating to creation of a municipal court of record for the City of Marshall. (30-1) Washington “Nay” (31-0)
- H.B. 2324** (Glasgow) Relating to establishment of a juvenile board in Parker County. (30-1) Washington “Nay” (31-0)
- H.B. 2325** (Glasgow) Relating to establishment of a juvenile board in Cooke County. (30-1) Washington “Nay” (31-0)
- H.B. 2326** (Glasgow) Relating to establishment of a juvenile board in Jack and Wise counties. (30-1) Washington “Nay” (31-0)
- H.B. 2327** (Glasgow) Relating to the creation of two county criminal courts in Tarrant County. (30-1) Washington “Nay” (31-0)
- H.B. 2337** (Sims) Relating to the creation of the Mason County Hospital District. (30-1) Washington “Nay” (31-0)
- H.B. 2338** (Sims) Relating to the creation of the Sutton County Hospital District. (30-1) Washington “Nay” (31-0)
- H.B. 2340** (Glasgow) Relating to fees for support collections and payments to be charged by the clerk of the district courts of Johnson County. (30-1) Washington “Nay” (31-0)
- H.B. 2348** (Brown) Relating to the jurisdiction of the county courts at law in Brazoria County. (30-1) Washington “Nay” (31-0)

- H.B. 2350** (Brown) Relating to the election of directors of the Community Hospital District of Brazoria County. (30-1) Washington "Nay" (31-0)
- H.B. 2354** (Edwards) Relating to the creation of the Teague Hospital District. (30-1) Washington "Nay" (31-0)
- H.B. 2363** (Parker) Relating to the regulation of certain persons who contract with the State. (30-1) Washington "Nay" (31-0)
- H.B. 2364** (Sharp) Relating to the creation of the County Court at Law of Williamson County. (30-1) Washington "Nay" (31-0)
- H.B. 2372** (Montford) Relating to establishment of a juvenile board in Cochran County. (30-1) Washington "Nay" (31-0)
- H.B. 2375** (Lyon) Relating to benefits for certain personnel who are exposed to contagious diseases in the course of their employment. (30-1) Washington "Nay" (31-0)
- H.B. 2376** (Farabee) Relating to office machines repaired by the State Purchasing and General Services Commission. (30-1) Washington "Nay" (31-0)
- H.B. 2377** (Montford) Relating to the establishment of a juvenile board in the 118th Judicial District. (30-1) Washington "Nay" (31-0)
- H.B. 1644** (Brown) Relating to parties agreeing to a trial by a special judge for district court civil cases. (30-1) Washington "Nay" (31-0)
- H.B. 2385** (Howard) Relating to the jurisdiction of the County Court at Law of Harrison County. (30-1) Washington "Nay" (31-0)
- H.B. 1704** (Williams) Relating to the levy and collection of a university center fee at The University of Houston-Downtown College. (30-1) Washington "Nay" (31-0)
- H.B. 2388** (Parker) Relating to the conveyance of certain State real property in Jefferson County to the City of Port Arthur. (30-1) Washington "Nay" (31-0)
- H.B. 2390** (Lyon) Relating to fees for child support collections in Collin County. (30-1) Washington "Nay" (31-0)
- H.B. 2393** (Jones) Relating to County Auditor in Llano County. (30-1) Washington "Nay" (31-0)
- H.B. 2395** (Howard) Relating to the creation of the County Court at Law of Panola County. (30-1) Washington "Nay" (31-0)
- H.B. 2399** (Sharp) Relating to the creation of County Court at Law No. 1 of Calhoun County. (30-1) Washington "Nay" (31-0)
- H.B. 2404** (Farabee) Relating to establishment of a juvenile board in Shackelford County. (30-1) Washington "Nay" (31-0)
- H.B. 2406** (Farabee) Relating to the establishment of a juvenile board in the 46th Judicial District. (30-1) Washington "Nay" (31-0)
- H.B. 2407** (Farabee) Relating to the establishment of a juvenile board in the 50th Judicial District. (30-1) Washington "Nay" (31-0)
- H.B. 2412** (Caperton) Relating to the juvenile boards in the 12th Judicial District. (30-1) Washington "Nay" (31-0)
- H.B. 2414** (Sharp) Relating to the creation of a seawall commission in Matagorda County. (30-1) Washington "Nay" (31-0)

H.B. 2432 (Howard) Relating to establishment of juvenile board in Camp, Marion, Morris and Titus counties. (30-1) Washington "Nay" (31-0)

H.B. 2439 (Sims) Relating to certain contracts executed by the Board of Directors of Val Verde County Hospital District. (30-1) Washington "Nay" (31-0)

H.B. 2440 (Traeger) Relating to the creation of a juvenile board in Starr County. (30-1) Washington "Nay" (31-0)

H.B. 2441 (Farabee) Relating to establishment of a juvenile board in Throckmorton County. (30-1) Washington "Nay" (31-0)

H.B. 2447 (Farabee) Relating to establishment of a juvenile board in Haskell County. (30-1) Washington "Nay" (31-0)

H.B. 2449 (Lyon) Relating to the child support collection service fee in Smith County. (30-1) Washington "Nay" (31-0)

H.B. 2452 (Doggett) Relating to the authority of counties to provide and finance jail improvements. (30-1) Washington "Nay" (31-0)

(Senator Brown in Chair)

H.C.R. 62 (Whitmire) Creating an interim committee to be named the Texas Fire Protection Standards Committee. (vv)

Senator Whitmire offered the following committee amendment to the resolution:

Committee Amendment No. 1

Amend **H.C.R. 62** as follows:

By striking the number twelve "12" in line 27, page 3, and substituting the number fifteen "15"

RESOLVED, That the committee be composed of ~~12~~ 15 members: two

And further amend **H.C.R. 62** as follows:

By striking the word "and" in line 8, page 4, and inserting the following after comma ",", line 9, page 4: "Association of Fire and Casualty Companies in Texas, and Texas Insurance Advisory Association, to be selected by their respective organization, and one active or retired paid professional firefighter appointed by the Chairperson of the Texas Fire Protection Standards Committee."

Texas, Professional Insurance Agents of Texas, Society of Fire Protection Engineers, Association of Fire and Casualty Companies in Texas, and Texas Insurance Advisory Association, to be selected by their respective organization, and one active or retired paid professional firefighter appointed by the Chairperson of the Texas Fire Protection Standards Committee.

The committee amendment was read and was adopted.

H.C.R. 73 (Caperton) Granting Jonnie J. Groda permission to sue the State of Texas. (vv)

H.C.R. 122 (Caperton) Granting Eva Jolene Boyd permission to sue the State of Texas. (vv)

H.C.R. 127 (Vale) Directing the State Board of Education to study the feasibility of providing effective driver education to all students at the secondary school level. (vv)

H.C.R. 162 (Parmer) Declaring that the federal budget and State nutrition programs be protected from further budget cuts. (vv)

H.C.R. 213 (Harris) Requesting the State Board of Insurance to study the various advantages and disadvantages of the various forms of property/casualty ratemaking and policy form implementation. (vv)

H.C.R. 221 (Doggett) Granting Patricia Coleman, David Cooper, Kevin Cooper and Dennis Lehman permission to sue the State of Texas. (vv)

H.C.R. 229 (Traeger) Granting Southern States Exploration, Inc., permission to sue the State of Texas. (vv)

H.C.R. 230 (Traeger) Granting Maria G. Gonzalez and Gutierrez Gonzalez Venture, Ltd., permission to sue the State of Texas. (vv)

H.C.R. 233 (Farabee) Granting Genevieve Sewell Conner, Joann Pankey and James L. Sewell permission to sue the State of Texas. (vv)

H.C.R. 236 (Uribe) Requesting that the Houston Metropolitan Transit Authority purchase buses manufactured in this State. (vv)

H.C.R. 242 (Parker) Endorsing and encouraging State Board of Education to provide American Sign Language classes for credit to Texas students. (vv)

H.C.R. 248 (Edwards) Permitting A-1 Fire and Safety Equipment Company, Inc., permission to sue the Titus County Memorial Hospital. (vv)

H.C.R. 250 (Caperton) Granting Big Train Carpets of El Campo, Inc., permission to sue the State of Texas. (vv)

H.C.R. 251 (Traeger) Granting Shafer Plumbing and Heating, Inc., permission to sue the State of Texas. (vv)

H.C.R. 256 (Doggett) Granting Percor, Inc., permission to sue the State of Texas. (vv)

H.C.R. 258 (Brooks) Granting the Gulf Coast Regional Mental Health-Mental Retardation Center permission to sue the State of Texas. (vv)

H.C.R. 259 (Santiesteban) Granting R. A. Knapp, Karol Knapp, R. E. Knapp and Barbara Knapp permission to sue the State of Texas. (vv)

H.C.R. 268 (Parker) Directing the Texas Department of Water Resources and Texas Air Control Board to take particular account of the dangers of locating such facilities in the flood-prone areas of Texas. (vv)

BILLS REMOVED FROM LOCAL AND UNCONTESTED BILLS CALENDAR

The following bills were removed from the Local and Uncontested Bills Calendar:

Bill Number	Senators Objecting
S.B. 1074	Edwards, sponsor
H.B. 21	Sarpalius, Blake
H.B. 160	Sarpalius, Blake,
H.B. 299	Parker, Blake,
H.B. 470	Mauzy, Washington.
H.B. 576	Washington, Blake
H.B. 624	Washington, Mauzy
H.B. 828	Vale, Blake, Washington, Mauzy

H.B. 848	Howard, Blake,
H.B. 1010	Truan, Blake, Washington, Mauzy
H.B. 1075	Doggett, Mauzy
H.B. 1142	Mauzy, Washington, Glasgow
H.B. 1169	Sarpalius, Blake
H.B. 1180	Vale, Blake, Doggett, Mauzy
H.B. 1289	Mauzy, Washington
H.B. 1299	Mauzy, Washington, Truan, Blake
H.B. 1322	Sarpalius, Blake
H.B. 1488	Leedom, Blake
H.B. 1501	Parmer, Mauzy
H.B. 1502	Parmer, Mauzy
H.B. 1511	Mauzy, Washington
H.B. 1517	Howard, Blake
H.B. 1555	Mauzy, Washington
H.B. 1643	Mauzy, Washington
C.S.H.B. 1719	Blake
H.B. 1773	Vale, Blake
H.B. 1831	Parmer, Mauzy
H.B. 1846	Mauzy, Washington
H.B. 1858	Kothmann, Blake, Vale
H.B. 1934	McFarland, Blake
H.B. 2109	Mauzy, Washington
H.B. 2150	Mauzy, Washington, Santiesteban, Blake
H.B. 2302	Sarpalius, Blake
H.B. 2409	Montford, sponsor
H.B. 2411	Montford, sponsor
H.B. 2433	Sarpalius, Blake
H.B. 2434	Sarpalius, Blake
H.B. 2435	Mauzy, Washington
H.C.R. 22	Mauzy, Washington
H.C.R. 99	Howard, Blake
H.C.R. 170	Mauzy, Washington
H.C.R. 198	Mauzy, Washington

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Brown in Chair) announced that the session for the conclusion of the Local and Uncontested Bills Calendar was concluded.

RECESS

On motion of Senator Blake, the Senate at 10:55 o'clock a.m. recessed until 9:30 o'clock a.m. tomorrow.